



***Substitute House Bill No. 6809***

***Public Act No. 05-135***

***AN ACT CONCERNING THE SERVICE OF CAPIAS AND WARRANTS BY STATE MARSHALS AND FEES AND EXPENSES RELATING TO THE EXECUTION OF TAX WARRANTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 52-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If any officer has commenced the service of any civil process within his precinct, he may attach the property of, or serve the process upon, any defendant named in the process outside of his precinct. An officer shall not be deemed to have commenced service in any civil action by process of foreign attachment or garnishment by service on the garnishee therein, unless the garnishee has concealed in his possession, at the time of the service, the property of the defendant or is indebted to him.

(b) If there are two or more defendants, any of whom reside outside of the precinct of the officer commencing service or, in any action in case of attachment of property or in case of foreign attachment or garnishment, if any defendant or garnishee resides outside of the precinct of the officer commencing service, any officer may serve the process upon such of the defendants or garnishees as reside within his

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precinct, and may then (1) complete the service himself upon any defendant or garnishee residing outside his precinct, or (2) deliver the process to an officer of another precinct for service upon any defendant or garnishee residing in the other precinct and each officer serving the same shall endorse his actions thereon. The officer completing the service shall include in his endorsement a copy of the endorsement upon the writ of the officer commencing service and shall return the process to court.

(c) In any action where process is permitted to be served upon the Secretary of the State or the Commissioner of Motor Vehicles pursuant to sections 52-57, 52-59b, 52-62 and 52-63, service of such process may be made by any officer of any precinct having such process in his hands for service.

(d) The execution or service of any capias issued pursuant to section 52-143 or 54-2a or any warrant or capias mittimus issued by a court or family support magistrate in a family support matter may be made in any precinct in the state by any state marshal of any precinct having such capias, warrant or capias mittimus in his hands for service.

Sec. 2. Section 12-162 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to the execution of tax warrants issued on or after July 2, 2003*):

(a) Any collector of taxes, in the execution of tax warrants, shall have the same authority as state marshals have in executing the duties of their office, and any constable or other officer authorized to serve any civil process may serve a warrant for the collection of any tax assessed, and the officer shall have the same authority as the collector concerning taxes committed to such officer for collection.

(b) Upon the nonpayment of any property tax when due, demand having been made therefor as prescribed by law for the collection of

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such tax, an alias tax warrant may be issued by the tax collector, which may be in the following form:

"To a state marshal of the County of ...., or any constable of the Town of .... Greeting: By authority of the state of Connecticut you are hereby commanded to collect forthwith from .... of .... the sum of .... dollars, the same being the amount of a tax with interest or penalty and charges which have accumulated thereon, which tax was levied by (insert name of town, city or municipality laying the tax) upon (insert the real estate, personal property, or both, as the case may be,) of said .... as of the .... day of ..... (In like manner insert the amount of any other property tax which may have been levied in any other year, including interest or penalty and charges which have accumulated thereon). In default of payment of said amount you are hereby commanded to levy for said tax or taxes, including interest, penalty and charges, hereinafter referred to as the amount due on such execution, upon any goods and chattels of such person and dispose of the same as the law directs, notwithstanding the provisions of subsection (j) of section 52-352b, and, after having satisfied the amount due on such execution, return the surplus, if any, to him; or you are to levy upon the real estate of such person and sell such real property pursuant to the provisions of section 12-157, to pay the amount due on such execution; or you shall make demand upon the main office of any banking institution indebted to such person, subject to the provisions of section 52-367a or 52-367b, as if judgment for the amount due on such execution had been entered, for that portion of any type of deposit to the credit of or property held for such person, not exceeding in total value the amount due on such execution; or you are to garnishee the wages due such person from any employer, in the same manner as if a wage execution therefor had been entered, in accordance with section 52-361a.

Dated at .... this .... day of .... A.D. 20.., Tax Collector."

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(c) Any officer serving [such] an alias tax warrant pursuant to this section shall make return to the collector of such officer's actions thereon within ten days of the completion of such service and shall be entitled to collect from such person the fees allowed by law for serving executions issued by any court. [Notwithstanding the provisions of section 52-261, any] Any state marshal or constable, authorized as provided in this section, who executes such warrant and collects any delinquent municipal taxes as a result thereof shall receive, in addition to expenses otherwise allowed, [an amount equal to ten per cent] a percentage of the taxes collected pursuant to such warrant, calculated at the rate applicable for the levy of an execution as provided in section 52-261. The minimum fee for such service shall be [twenty] thirty dollars. Any officer unable to serve such warrant shall, within sixty days after the date of issuance, return such warrant to the collector and in writing state the reason it was not served.

Approved June 24, 2005